

155. While the utter failure to determine the needs and interests of Monroe is the most fundamental defect in Trinity's ascertainment, there are other problems. Although it was Trinity's policy to conduct community leader interviews, such interviews did not start until September 1991, over halfway through the renewal period, because Mr. Jackson did not know what was supposed to be done. Moreover, it is clear that community leader interviews done in the third quarter of 1991 had no impact whatsoever on Trinity's programming. By September 1991, Mr. Jackson had already sent his third quarter preliminary report to Trinity headquarters. While the interviews would be included in his final report, the final report had no impact on the programming for that quarter, since it was not sent until the quarter was over.

156. There was an even more important defect in Trinity's ascertainment efforts for the fourth quarter of 1991. Trinity negligently failed to follow its own procedures and excluded the mentions of issues in the newspaper in its tabulations. By Mr. Jackson's own admission, the exclusion was an error. As a result, the list of issues ascertained by Trinity were not the issues that would have been ascertained if Trinity had followed its own procedures. If one assumes that Trinity's ascertainment procedures were valid, the issues listed in its quarterly report were not the top community issues. While a licensee has considerable discretion in establishing the ascertainment procedures it uses, it must

follow those procedures, and it must be faulted when it fails to do so.

157. Indeed, this error shows that Trinity did not attach the importance to ascertainment that it claims to have done. Trinity claims that the ascertainment tabulations were important documents to its public affairs and programming departments. All somebody had to do to discover and to correct Mr. Jackson's error was to look at the tabulation and add up the total number of mentions. If ascertainment was so important, why did nobody look at the tabulations and discover this patent error?

158. In the first quarter of 1992, Trinity deceived the public. Although its ascertainment showed state and federal government to be the second most important issue, the issue was not listed as one of the top five issues. This omission was a transparent attempt by Trinity to hide from the public the fact that it did not have any programming responsive to a top community issue. A member of the public (or a Commission inspector) would naturally conclude that Trinity did not ascertain state and federal government to be an important issue. This act of deception shows that Trinity did not act in good faith in conducting its ascertainment.

3. Programmed Response to Ascertained Issues

159. None of Trinity's programming can be said to be responsive to the ascertained needs and interests of Monroe or

Walton County because Trinity never attempted to discover what those needs and interests were. As noted above, the Commission's primary interest is in service to the community of license. Deregulation of Commercial Television, supra. Trinity provided no coverage whatsoever of Monroe or Walton County. Not a single program covered an event, issue, or problem peculiar to Monroe or Walton County. Not a single person from Monroe or Walton County appeared on the station during the renewal period. It would be no exaggeration to state that a person watching WHSG would not know that a place called Monroe, Georgia existed unless they listened carefully to the station identifications. Trinity used WHSG as nothing more than a high-powered translator relaying the programming of KTBN to Georgia. There was no attempt to do what the Commission requires - learn the needs and interests of the community of license and respond to those needs. Any claim in this proceeding that Trinity served the needs and interests of its community of license cannot be taken seriously. Its utter failure to serve the community of license requires denial of a renewal expectancy.

160. According to its quarterly reports, Trinity offered some programming responsive to the needs and interests of the Atlanta portion of its service area. Whether one examines the types of programs offered or the issues that Trinity ascertained to be important issues, Trinity's service to the portion of the service area that it did pay any attention to

was minimal. In other words, Trinity offered no programming whatsoever responsive to the needs and interests of its community of license, and in the portion of the service area where it did bother to conduct ascertainment, its response was minimal.

a. Trinity's Programming

161. What was not broadcast on WHSG was as important as what was broadcast. No news was broadcast. No editorials were aired. No political programming was aired. There is no mention of any weather or traffic reports being aired. Trinity did not present any of its own locally produced programming. With the exception of the programs mentioned below, only two people from the service area appeared on the station, and no showing was made that community issues were dealt with in either appearance.

162. During the first half of the renewal period, the only program produced in the service area carried on WHSG was The Earl Paulk Show, a weekly religious service. Later, two other weekly religious services were added. Trinity's claim that these programs were responsive to top community issues⁴⁹ must be rejected for several reasons. First, most of the issues that Trinity claims these programs treated were not ascertained to be top community issues. If one assumes that

⁴⁹ It must be kept in mind that the "community" in which Trinity conducted ascertainment was not its community or county of license.

Trinity's ascertainment has any meaning, the programs were not responsive to the issues that Trinity was allegedly trying to treat. Second, Trinity's showing is far too general and vague to be credited. No specific programs are described. There is no specific description of how those issues were treated. The record does not show how many times the programs dealt with issues and what episodes dealt with what issues. Indeed, none of these programs appeared anywhere in the quarterly reports. Trinity considered the programs to be so insignificant that it did not even bother to take continuity of the programs so it would have a record of what issues were dealt with on each program. For those reasons, it cannot be concluded that any of the three programs produced in the service area were responsive to community needs.

163. Mr. Jackson cites many programs broadcast on the Trinity Broadcasting Network as being responsive to community issues. Mrs. Connolly, Trinity's Network Programming Director, attempted to show that the ascertainment done by WHSG affected what was broadcast. Neither contention is supported by the record. The only competent evidence that Trinity offered any programming responsive to community issues is in its quarterly reports. These reports show that most of the programs mentioned by Mr. Jackson had little or nothing to do with meeting the needs and interests of the WHSG service area. For instance, although Praise the Lord was broadcast five nights a week for the renewal period of over thirteen

months, only eight aired segments (i.e., parts of a program) were found to be responsive to the needs and interests of WHSG viewers.⁵⁰ Of the weekly series mentioned by Mr. Jackson, A Call to Action only dealt with top community issues in five episodes, Treasures Out of Darkness had only seven episodes listed in the quarterly reports, and only one episode of A Date With Dale made its way into the quarterly reports.⁵¹ Clearly, there was little or no correlation between WHSG's ascertainment and what was broadcast on the station. With respect to Calling Dr. Whitaker and The Doctor and the Word, those programs dealt with health care regardless of the ascertainment results. The ascertainment performed in the WHSG service area had no impact upon the Feedback program - that program was designed to meet the needs and interests of the Miami area. There was no meaningful correlation between WHSG's ascertainment and the content of its programming.

164. The two programs listed most often in the quarterly reports are Joy and The 700 Club. The 700 Club was not a Trinity production, and no evidence exists that Trinity's ascertainment efforts played any role in determining the issues treated in that program. While Joy was a Trinity

⁵⁰ Three of the eight segments were listed in the report for the first quarter of 1991, when Trinity did no ascertainment whatsoever.

⁵¹ As will be shown below, many of the programs listed in the quarterly report did not deal with the needs, interests and problems of the WHSG service area.

production, the primary purpose of that program was to meet the needs and interests of the KTBN service area. Mrs. Connolly could not recall a single Joy episode that was specifically designed to meet a need or interest of the WHSG service area. It must be concluded that the WHSG ascertainment, such as it was, had little meaningful impact on Trinity Broadcasting Network programming.

165. None of the children's programming described by Trinity is relevant to its renewal expectancy claim. Children's programming can be relevant to renewal expectancy if the programming is tied in to the ascertained needs and interests of children. In evaluating a renewal expectancy showing, the Commission's interest is limited to programming that is responsive to ascertained community needs. See Fox Television Stations, Inc., supra ("the licensee's programmatic response to those ascertained needs"), Simon Geller, 90 FCC 2d 250, 264-265, 51 RR 2d 1019, 1032 (1982). While Trinity described many children's programs (none local), none of these programs were tied in to ascertained community needs, nor were any specific episode descriptions offered. Trinity never ascertained the needs of youth to be a top community issue during the renewal period. Moreover, most of the programs are clearly entertainment programs (e.g., music video programs and variety shows) which have been held to be irrelevant to a renewal expectancy showing. See Simon Geller, supra, 90 FCC 2d at 264 n.67, 51 RR 2d at 1032 n.67 (entertainment and

sports programs not considered in determining compliance with public interest standard), Fox Television Stations, Inc., 8 FCC Rcd 2361, 2376 n.26, 72 RR 2d 297, 305 n.26 (Rev. Bd. 1993). While many movies or other entertainment programs have moral themes or lessons, such programs are still entertainment programs which have no relevance to renewal expectancy. Moreover, it is not the Commission's position to judge the morality or decency of programming or to determine whether programming is moral or decent.

166. Trinity's record concerning public service announcements provides further evidence of its lack of interest in serving the public. Mr. Jackson claimed in his direct testimony that the station broadcast twenty-five to thirty PSAs a week. In fact, Trinity broadcast only twenty-seven PSAs in the last month of the renewal period, or an average of less than one a day. When a licensee's performance takes a sharp downward turn at the end of the renewal period, the Commission must evaluate the licensee's performance based upon the end of term record. Monroe Communications Corp. v. FCC, 900 F.2d 351, 356, 67 RR 2d 843, 846 (D.C. Cir. 1990). By comparison, the licensee who was denied a renewal expectancy in Simon Geller, supra, 90 FCC 2d at 262, 51 RR 2d at 1032 ran eighteen PSAs a week (almost three times as many as Trinity).

167. Trinity's programming performance during the renewal period was abysmal. It had no news, no editorials, no

political programming, and no local issue-responsive programming. There was little connection between its ascertainment efforts and Trinity network programming. There was absolutely no coverage of the needs and interests of Monroe or Walton County. No renewal expectancy can be awarded.

b. Treatment of Ascertained Issues

168. Trinity's utter indifference to the WHSG service area is also shown by its failure to address many of the issues that its ascertainment process found to be important issues. Of course, none of those issues can be said to be the important issues of Monroe or Walton County. There were nine issues that were one of the top five issues at some point during the renewal period.⁵² Trinity offered absolutely no programming responsive to the needs and interests of its service area for four of those issues. No evidence exists that any Trinity programming provided issue-responsive information specific to the service area. The nine issues will be discussed below.

i. Government/State/Federal

169. This issue was one of the most important ascertained issues during the renewal period. According to

⁵² For the fourth quarter of 1991, this count includes the issues that Trinity would have ascertained to be the top five issues if it had followed its procedures correctly.

Trinity's ascertainment tabulations, it was the most important issue in the third and fourth quarters of 1991, and the second most important issue in the first quarter of 1992. Notwithstanding its importance, Trinity totally ignored this issue. The quarterly reports do not list one program responsive to this issue.

ii. Senior Citizens/Aging

170. This issue was ascertained to be one of the top issues in the third quarter of 1991. Trinity could not come up with one program responsive to that issue to list in its quarterly report.

iii. Housing

171. If Trinity had paid attention to its ascertainment in the fourth quarter of 1991, it would have discovered that housing was one of its top five issues. No record evidence exists that it offered any responsive programming in that quarter. Since Trinity never sufficiently checked its tabulations, it never discovered the importance of housing.

iv. Transportation

172. This issue was ascertained to be a top community issue in the second and third quarters of 1991. While the quarterly reports list programs that were allegedly responsive to that issue, those programs had absolutely nothing to do with the issue of transportation in Monroe or the WHSG service

area. While viewers would have learned something about the transportation problems of Orange County, California, they would have learned absolutely nothing about transportation problems in their area. It is highly doubtful whether anyone watching WHSG commutes in southern California.

173. Both Mr. Jackson and Mrs. Connolly claim that guests on Trinity network programming were asked to discuss issues from a national as well as a local viewpoint so that programs would allegedly be responsive to the needs and interests of areas such as Monroe. The transportation issue shows clearly why these general claims cannot be accepted. First, since the program synopses do not clearly show the discussion of national viewpoints, Trinity has not competently established that there were such discussions. Second, different areas can have completely different transportation problems. The transportation problems faced by the commuters of sprawling southern California are completely different from the transportation problems of Monroe, Georgia. The solutions will also be different. Third, the Commission's emphasis on service to the community of license necessarily means that it is not enough to have generic programming that does not address the specific needs, interests and problems of the community of license. Trinity had no such programming.

v. Crime

174. This issue was one of the top five issues in each quarter for which ascertainment was conducted.⁵³ No record evidence exists that any programming responsive to this issue was broadcast in the fourth quarter of 1991. While programs allegedly responsive to this issue are listed for the other quarters, a close examination of these programs shows that most of these programs had absolutely nothing to do with the needs, interests and problems of the WHSG service area.

175. Several of the programs listed deal with the crime problems of other areas of the country. These programs dealt with neighborhood watches in south Florida, crime statistics in the Irvine, California area, a discussion of hate crimes in Orange County, and a discussion of a program for Hispanics. Trinity has utterly failed to show how these programs have anything to do with the specific problems of crime in the WHSG service area. Trinity provided no information whatsoever on the nature of crime in the Monroe, Georgia area. No member of the Walton County police department or the Georgia State Police came on the station to discuss the specific nature of the crime problem in the area. Trinity made no specific attempt to show that what happened in Orange County or south Florida had any relevance to the Monroe area.

⁵³ Crime is listed as a top issue in the quarterly report for the first quarter of 1991, but Trinity did not conduct any ascertainment at all in that period.

176. Another type of program listed in the quarterly reports under crime is an interview where a former criminal describes his or her past and how their lives were changed when they found Jesus Christ. The Presiding Judge has ruled in the Miami, Florida proceeding (MM Docket No. 93-75) that personal religious experiences are not relevant to renewal expectancy because they are not the type of objective matters considered by the Commission. Transcript in MM Docket No. 93-75, See Tr. 121-132. While religious programming can be relevant to a renewal expectancy, "[n]o license renewal preference is awarded for religious programming qua 'religion'..." Pillar of Fire, 99 FCC 2d 1256, 57 RR 2d 601, 614 (Rev. Bd. 1984). The classic example of relevant religious programming is "a program featuring a panel of priests, ministers, and rabbis discussing recent statements by Catholic bishops on the morality of the nuclear arms race..." Office of Communication of the United Church of Christ v. FCC, 707 F.2d 1413, 1430-1431, 53 RR 2d 1371, 1387-1388 (D.C. Cir. 1983). While some of Trinity's programs do fall within the type of religious programming that could be relevant to renewal expectancy, personal religious experiences are the type of subjective matters that are no more relevant to renewal expectancy than someone's reaction to classical music. Therefore, while many of the experiences described in Trinity's programming are personally moving, they cannot be considered relevant to its renewal expectancy showing.

177. Two of the Feedback episodes listed dealt with pornography. Those episodes cannot be said to deal with an issue of importance to the WHSG service area. If Trinity had paid close attention to its ascertainment tabulations, it would have noted that pornography was utterly unimportant to the service area because in three quarters, it received a total of one mention as a pressing community concern. By comparison, state and federal government received eighty-eight mentions in one quarter.

178. Only two of the programs mentioned in the quarterly reports could be said to have any relevance to the issue of crime in the WHSG service area--a discussion of national crime statistics on The 700 Club on 4/29/91, and a discussion of a proposed federal crime bill on The 700 Club on 7/12/91. Absolutely no information on crime in the service area was provided. In short, Trinity's "coverage" of the crime issue as it existed in the WHSG service area was practically nonexistent.

vi. Drug/Alcohol Abuse

179. This issue was ascertained to be a top community issue in the second and fourth quarters of 1991 and the first quarter of 1992.⁵⁴ The majority of the programs listed under this issue are the recitation of the religious experiences of

⁵⁴ While the issue is listed in the report for the first quarter of 1991, that listing was not the result of any ascertainment.

former drug or alcohol abusers. For the reasons stated above with respect to crime, such programs do not support Trinity's claim to a renewal expectancy. Moreover, descriptions of drug treatment facilities in California or Florida do not help someone in Georgia who needs help. Other than Rev. Paulk's ministry, Trinity offered no evidence that any treatment facility in the service area was mentioned. Trinity does not allege that it offered any programming describing the nature and extent of the drug and alcohol problem in its service area or the efforts of law enforcement personnel in the area to curb illegal drugs or drunk driving. It has failed to show that it met the specific needs and interests of its community on this issue.

vii. Education/Schools

180. This issue was ascertained to be important in each quarter in which Trinity conducted ascertainment. Despite the importance of the issue, one would not learn anything about the education system in the service area from watching WHSG during the renewal period. Not one program listed in the quarterly reports described or discussed an educational institution or school in the service area. Not a single educator from the service area appeared on the station during the renewal period. While Trinity offered some generic programming dealing with education in general, it totally failed to meet the needs and interests of its community.

181. Trinity's own ascertainment demonstrates that many of the programs listed under this issue had no bearing upon the needs and interest of the service area. For instance, Trinity repeatedly showed a Feedback program opposing a curriculum that allegedly promoted homosexuality. These programs had no relevance to the WHSG service area because (1) homosexuality was utterly unimportant as a community issue, and (2) there is no evidence that anyone in the service area was proposing to use this curriculum. Another common subject was the role of prayer in the public schools and education. While the importance of this issue to Trinity is understandable, separation of church and state was unimportant to the residents of its service area.

viii. Health Care

182. This issue was, according to Trinity's ascertainment, a top issue in the third quarter of 1991 and the first quarter of 1992. While Trinity had many programs listed as being responsive to this issue, no information was provided on the health care delivery system in the service area or the nature of any health problems specific to the service area.

ix. Pollution/Environment

183. Trinity ascertained this issue to be a top issue in one quarter--the second quarter of 1991. None of the three

cases aired in response to this issue provided any information specific to the service area.

x. Summary of Treatment of Community Issues

184. Trinity's treatment of almost one-half of the issues that its own ascertainment showed to be top community issues was nonexistent. With respect to the remaining issues, it utterly failed to provide any coverage of events or problems occurring within its service area. Many of the programs listed in the quarterly reports did absolutely nothing to address the specific needs and interests of the service area. Moreover, not a single program can be said to meet the needs and interests of Monroe or Walton County because Trinity did not attempt to ascertain those needs or to have anyone from those areas appear on the station. By any definition, Trinity's service to its viewers was minimal and unworthy of a renewal expectancy.

c. Analysis of Precedent

185. There are two cases where the Commission has denied a licensee a renewal expectancy because its programming was minimal. Simon Geller, supra, Video 44, 5 FCC Rcd 6383, 68 RR 2d 503 (1990). A comparison of Trinity's programming record with the programming records in Geller and Video 44, demonstrates that Trinity is no better than the licensees in Geller and Video 44.

186. The licensee in Geller broadcast "no news, no editorials, and none of his programming was locally produced." Trinity broadcast no news, no editorials, and none of its own locally produced programming. While Trinity did have from one to three locally produced religious programs, no competent showing has been made that any of these programs were responsive to community needs. The licensee in Geller broadcast several weekly series that could be characterized as public affairs programs. 90 FCC 2d at 262, 51 RR 2d at 1030. While Trinity cites several programs that were allegedly responsive to community needs, these programs did not deal with the specific needs of the WHSG service area. None of the public affairs programs offered in the Geller case were offered in response to ascertained community needs. 90 FCC 2d at 265, 51 RR 2d at 1032. In this case, Trinity never attempted to ascertain the needs and interests of its community of license or the county in which that community was located. While Trinity did conduct some ascertainment in the service area, Trinity treated the ascertainment process casually, and there was little correlation between ascertainment and programming.

187. In two respects, Trinity's record is worse than the record in Geller. First, Geller broadcast almost three times as many PSAs as Trinity was broadcasting at the end of the renewal period. Second, and more importantly, the record shows that Trinity totally failed to address many of the

issues that its own ascertainment showed to be important. Even when an issue received some treatment in Trinity's programming, Trinity provided absolutely no information specific to its community or service area. Trinity's record is no better than the record of the Geller licensee.

188. There is also no basis for concluding that Trinity's record is any better than the record of the licensee in Video 44. At the end of the license term, the licensee in Video 44 had no news and local programming. Like Trinity, it ran a health-oriented public affairs show. It also ran a public affairs program produced in Illinois (the state of license), a nonentertainment program produced in Illinois, and "miscellaneous programs and PSAs." Given the fact that many of the programs Trinity relied on rarely met the needs and interest of the WHSG service area, its programming record is comparable. Moreover, in two significant respects, Trinity's record is worse. First, while the Commission found no basis to fault Video 44's ascertainment efforts, Trinity totally ignored its community of license in its ascertainment efforts. Second, the record in this case shows many instances of specific issues that Trinity failed to address. The Commission's benchmark of service is treatment of issues of importance to the community of license. Deregulation of Commercial Television, supra. Trinity totally ignored its community of license, and it also ignored many of the issues

that its own ascertainment showed to be important. It therefore has failed to earn a renewal expectancy.

4. Reputation in the Community

189. The Commission considers appropriate evidence of a station's reputation in the community in determining whether a station is entitled to a renewal expectancy. See, e.g., Metroplex Communications, Inc., 4 FCC Rcd 8149, 8153, 67 RR 2d 185, 192 (Rev. Bd. 1989). Here, there is no record evidence that WHSG has a positive reputation in the community. Trinity had the burden of proving its entitlement to a renewal expectancy. Section 309(e) of the Communications Act of 1934, as amended, 47 U.S.C. §309(e). Trinity's failure to find one member of the public with anything relevant and favorable to say about its programming is another significant factor justifying the denial of a renewal expectancy.

5. Community Involvement

190. In Fox Television Stations, Inc., 8 FCC Rcd 2361, 2418, 72 RR 2d 297, 321 (Rev. Bd. 1993), the Board noted:

the case law teaches that a history of community outreach definitely assists in determining whether we are dealing with a 'minimal' performer or with a licensee that is not distant from, or indifferent to, its genuine constituency, the local populace.

In this case, Trinity engaged in no community involvement whatsoever. Trinity ignored its community of license in its ascertainment and produced none of its own local programming.

Its lack of community involvement is yet another indication of its utter indifference to the residents of Monroe and vicinity.

6. Compliance With Commission Rules and Policies

191. "No review of a licensee record can fail to reflect whether it has complied with the strictures set down to govern a broadcaster's conduct." Metroplex Communications, Inc., supra, 4 FCC Rcd at 8153, 67 RR 2d at 192. The Commission has held that violations of the Commission's rules and policies shall be taken into account in determining a licensee's entitlement to a renewal expectancy, even if the Commission has declined to specify basic qualifications issues on the same matters. EZ Communications, Inc., 8 FCC Rcd 8435 (1993), GAF Broadcasting Company, Inc., 8 FCC Rcd 5496, 5499 (1993).

192. The record developed in the Miami, Florida comparative renewal proceeding (MM Docket No. 93-75) demonstrates that Trinity engaged in a pervasive and ongoing scheme of misconduct and deception, including exercising de facto control over National Minority TV, Inc. and abusing the Commission's processes. The record shows that Trinity Broadcasting of Florida, Inc., a corporation with the same directors as Trinity, is not qualified to remain a Commission licensee. See Glendale's "Proposed Findings of Fact and Conclusions of Law" filed August 15, 1994 and the "Reply to

Proposed Findings of Fact and Conclusions of Law" filed October 7, 1994.

193. There is no procedural bar to consideration of the Miami record in this proceeding. Trinity was a party to the Miami proceeding and fully participated in the hearing. It therefore had a full and fair opportunity to develop evidence and to assert its position. There is no need for the Presiding Judge to make new findings--the pertinent findings and conclusions in the Miami initial decision can be considered here. Nothing in the Hearing Designation Order in this proceeding bars consideration of this evidence under renewal expectancy. The Commission deferred consideration of the effect of the consideration on Trinity's basic qualifications issues at this time. It did not, however, explicitly bar consideration of the misconduct under the renewal expectancy part of the designated comparative issue. In order for an HDO to bar the Presiding Judge from taking action, there must be a reasoned analysis of the matter at issue. Atlantic Broadcasting Company, 5 FCC 2d 717, 8 RR 2d 991 (1966). No such analysis was offered in this HDO with respect to renewal expectancy. Moreover, the GAF and EZ cases demonstrate that the Commission expects appropriate consideration of rule and policy violations to be made even when basic qualifications issues are not specified.

7. Renewal Expectancy Summary

194. The evidence with respect to each of the five renewal expectancy criteria support the denial of a renewal expectancy to Trinity. It made no effort to ascertain the needs and interests of its community of license. There was little connection between the ascertainment it did conduct and its programming. It had none of its own local programming, and the few service area programs it did air were not shown to be responsive to community issues. The station did not cover one event peculiar to Monroe or Walton County, nor did one person from those areas appear on the station. It totally failed to cover many of the issues its own ascertainment showed to be important issues. There is no favorable public witness testimony. There was no community involvement. These factors, by themselves, require the denial of a renewal expectancy. When the record of serious and pervasive misconduct by Trinity which was developed in the Miami proceeding is factored in, the inevitable conclusion is that Trinity cannot receive any renewal expectancy.

C. Media Interests

195. Glendale is entitled to an overwhelming diversification preference over Trinity. Trinity or its principals have interests in sixteen full power television stations, an AM/FM radio combination, and well over 200 translator and LPTV stations. It also operates a cable

network that reaches almost 25 million homes. On the other hand, Glendale's fifty-one percent stockholder controls one LPTV station and various cable systems. Ownership in cable systems is insignificant under the diversification criterion. Greater Wichita Telecasting, Inc., 96 FCC 2d 984, 988, 55 RR 2d 926, 929 (1984). In Town and Country Radio, Inc., 65 FCC 2d 694, 715, 41 RR 2d 151, 178-179 (1977), an applicant with an attributable interest in one radio station was given a substantial preference over an applicant with interests in seven radio stations. Here, Glendale's diversification preference is overwhelming because Trinity's interests are far more extensive than the seven radio stations in Town and Country. George Gardner's LPTV and cable interests, which are nowhere near Georgia, are not as important as the single radio station of the preferred applicant in Town and Country.⁵⁵

IV. CONCLUSION

196. The short-spacing issue is resolved in Glendale's favor. Trinity is not entitled to any renewal expectancy. Glendale's overwhelming diversification preference makes it the superior applicant.

⁵⁵ Glendale recognizes that the Presiding Judge may not make the ultimate comparison between Glendale and Trinity until the Commission lifts the freeze on comparative proceedings. FCC Freezes Comparative Proceedings, FCC 94-41 (released February 25, 1994), modified FCC 94-204 (released August 4, 1994). Any findings and conclusions on the short-spacing issue and renewal expectancy would not be affected by the freeze.

ACCORDINGLY, IT IS ORDERED that the application of Trinity Christian Center of Santa Ana, Inc. for renewal of the license of WHSG, Monroe, Georgia, (File No. BPCT-911129KS) IS DENIED and the application of Glendale Broadcasting Company for a construction permit for a new commercial television station on Channel 63, Monroe, Georgia (File No. BPCT-920228KE) IS GRANTED, subject to the following conditions:

Upon receipt of notification from the Federal Communications Commission that harmful interference is being caused by the licensee's (permittee's) transmitter, the licensee (permittee) shall either immediately reduce the power to the point of no interference, cease operations, or take such immediate corrective action as is necessary to eliminate the harmful interference. This condition expires after one year of interference free operation.

Any grant of Glendale Broadcasting Company's application in the instant proceeding shall be subject to whatever action the Commission deems appropriate in light of the final resolution of the issue specified in Memorandum Opinion and Order, FCC 93M-469, released July 15, 1993, in MM Docket No. 93-75.

Any grant of Glendale Broadcasting Company's application in the instant proceeding shall be subject to whatever action the Commission deems appropriate in light of the final resolution of the issue specified in Memorandum Opinion and Order, FCC 93M-631, released October 4, 1993, in MM Docket No. 93-75.